

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

**RECEIVED AND FILED
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04/22/2025 - 12:25 PM**

IN RE:

RIC F. MALIK, Debtor

Case No. 23-03241-ESL7

Chapter 7

**USBC
(WRT)**

Supplemental Motion to Declare State Court Orders Void and Reinforce Enforcement of Automatic Stay Pursuant to 11 U.S.C. § 362

This filing supplements the Motion to Enforce Automatic Stay and for Sanctions filed on April 22, 2025, focusing specifically on the need to declare void any state court actions taken after October 6, 2023, in violation of the automatic stay.

NOW COMES the Debtor, **Ric F. Malik**, pro se, and respectfully moves this Honorable Court to:

1. Declare all post-petition actions taken in New Jersey state court under Docket No. BUR-L-1741-23 to be void ab initio;
2. Enforce the automatic stay pursuant to 11 U.S.C. §§ 362(a) and 105(a); and
3. Sanction attorney Karen Murray for willful violations of the stay.

In support thereof, Debtor states as follows:

I. BACKGROUND

1. Debtor filed a voluntary petition under Chapter 7 on **October 6, 2023** (ECF No. 1).
2. Notice of the bankruptcy was properly served on all creditors, including **Karen Murray**, attorney for creditors Earl and Tama Geertgens, via CM/ECF and U.S. Mail as confirmed in the Certificates of Service .
3. Despite this notice, Ms. Murray continued to prosecute the New Jersey civil case **BUR-L-1741-23** and took actions including but not limited to:
 - Pursuing discovery,
 - Filing writs of execution,
 - Attempting to enforce judgments,
 - Making filings directly adverse to the Debtor and his family after the petition date.

4. The New Jersey state court permitted these proceedings to continue, despite actual and constructive notice of the bankruptcy filing.
 5. The **objective of the state court case** is to collect on a pre-petition judgment entered against Ric F. Malik.
-

II. LEGAL STANDARD

6. Under **11 U.S.C. § 362(a)**, a bankruptcy filing automatically stays:
 - The continuation of any judicial action to recover a claim against the debtor (subsection (a)(1)); and
 - The enforcement of a judgment obtained before the commencement of the case (subsection (a)(2)).
 7. The **First Circuit** has held that actions taken in violation of the automatic stay are **void**, not merely voidable. *In re Soares*, 107 F.3d 969, 975 (1st Cir. 1997).
 8. The **Third Circuit** agrees that a non-bankruptcy court lacks authority to proceed once a bankruptcy petition is filed. *Maritime Elec. Co. v. United Jersey Bank*, 959 F.2d 1194, 1206 (3d Cir. 1991):

“Once triggered by a debtor’s bankruptcy petition, the automatic stay suspends any non-bankruptcy court’s authority to continue judicial proceedings then pending against the debtor.”
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III. ARGUMENT

9. The New Jersey action, **BUR-L-1741-23**, is a direct and continuing attempt to collect a pre-petition judgment against Debtor **Ric Malik** personally.
10. The litigation was not stayed by any express court order because the stay is **self-executing** under § 362(a).
11. On **October 17, 2023**, Ms. Murray received formal notice of the bankruptcy through a court filing entered in BUR-L-001741-23 (**Exhibit CC**).

This document was timestamped by the New Jersey Court’s electronic system and confirms that

counsel had actual knowledge of the automatic stay well before continuing litigation in violation of 11 U.S.C. § 362(a).

12. On **October 18, 2023**, **Attorney Mark J. Molz** submitted a letter to **Judge Eric Fikry**, warning that continuation of the case would violate 11 U.S.C. § 362 (**Exhibit DD**).

The letter, now attached as **Exhibit DD**, outlines controlling Third Circuit case law and emphasizes that only the bankruptcy court has authority to lift the stay. Despite this notice, the court and opposing counsel continued litigation, resulting in additional harm to the Debtor and justifying sanctions.

13. Nevertheless, proceedings continued, resulting in severe harm to the Debtor, including:

- Over \$600,000 in lost business contracts (Andrew Malik);
- Over \$525,000 in medical expenses (Karen Malik);
- Reputational harm and litigation stress.

14. Because the case seeks to collect a judgment **solely against the Debtor**, the continued prosecution must be declared void and **terminated** under federal bankruptcy law.

IV. RELIEF REQUESTED

WHEREFORE, the Debtor respectfully requests that this Honorable Court:

- A. **Declare void** all orders or actions taken in **New Jersey Superior Court case BUR-L-1741-23** after October 6, 2023, pursuant to 11 U.S.C. § 362(a);
 - B. **Terminate or permanently enjoin** further prosecution of BUR-L-1741-23 as it constitutes a direct action to collect a pre-petition judgment against the Debtor, in violation of the automatic stay;
 - C. **Enforce the automatic stay** and issue any additional injunctions necessary to protect the Debtor from continued collection efforts;
 - D. **Impose sanctions** against Karen Murray under § 362(k)(1), including compensatory and punitive damages as warranted;
 - E. Grant such other and further relief as the Court deems just and proper.
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Exhibits (Submitted with this Motion)

- **Exhibit CC – MOLZ PROOF OF NOTICE TO MURRAY (10/17/2023):**
Proof of service filed in New Jersey Superior Court (BUR-L-001741-23), confirming notice of the bankruptcy filing.
 - **Exhibit DD – Molz Letter to Judge Fikry (10/18/2023):**
Attorney Mark J. Molz's written notice to the court warning that continued prosecution violates 11 U.S.C. § 362.
 - **Exhibit EE – Up-dated Index of Debtor's Master Exhibit List (Filed April 21, 2025)**
A condensed listing of relevant exhibits referenced in this motion, with a full certified list available upon request or already on file with the Court.
-

Respectfully submitted,

Dated: April 22, 2025

Ric F. Malik

Pro Se Debtor

P.O. Box 756

Vieques, PR 00765

Email: ricmalik3@gmail.com

Phone: 787-530-7799



Exhibit CC

LAW OFFICE OF
MARK J. MOLZ

1400 ROUTE 38 EAST, P.O. BOX 577
HAINESPORT, NEW JERSEY 08036
PHONE: (609) 267-8884
FAX: (609) 267-1281

MARK J. MOLZ*#
MARISA P. MOLZ

#ALSO MEMBER OF FL BAR
*ALSO MEMBER OF PA BAR

OF COUNSEL:
RICHARD R. DiSTEFANO*

October 17, 2023

Hon. Eric Fikry, J.S.C.
Superior Court of New Jersey
Burlington County Courts Facility
49 Rancocas Rd.
Mt. Holly, New Jersey 08060
Via eCourts

Re: Geertgens v. Malik, et al
Docket No. BUR-L-1741-23

Dear Judge Fikry:

Please be advised that this office has been retained by Andrew Malik and MC Remodeling LLC in connection with a levy that has been placed against his checking account. I understand that the Return of the Order to Show Cause is scheduled for October 19, 2023.

The debtor Ric Malik has filed a Petition in Bankruptcy Court under Chapter 7 and the automatic stay provisions apply. (Notice attached). This newest Complaint seeks to collect a judgment against Ric Malik and is stayed.

Please be guided accordingly.

Very Truly Yours,

Mark J. Molz, Esq./s/
Mark J. Molz, Esq.

MJM/mpm

Encl.

cc: Andrew Malik
Karen Murray, Esq.

Information to identify the case:	
Debtor 1:	RIC F MALIK
First Name Middle Name Last Name	
Debtor 2:	
(Spouse, if filing) First Name Middle Name Last Name	
United States Bankruptcy Court:	District of Puerto Rico
Case number:	23-03241
Social Security number or ITIN:	XXX-XX-XXXX
EIN:	---
Social Security number or ITIN:	---
EIN:	---
Date case filed for chapter:	7 10/6/23

Official Form 309B (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case — Proof of Claim Deadline Set

10/20

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	RIC F MALIK	
2. All other names used in the last 8 years		
3. Address	Monte Carmelo Vieques, PR 00765	
4. Debtor's attorney Name and address	FREDERIC CHARDON DUBOS Frederic Chardon Dubos Law Office PO BOX 1797 PR Carolina, PR 00984-1797	Contact phone 787-908-2476 Email: fcdlaw2020@gmail.com
5. Bankruptcy trustee Name and address	WIGBERTO LUGO MENDER CENTRO INTERNACIONAL DE MERCADEO 100 CARR 165 SUITE 501 GUAYNABO, PR 00968-8052	Contact phone 787 707-0404 Email: trustee@lugomender.com

For more information, see page 2 >

Debtor RIC F MALIK

Case number 23-03241

6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at https://pacer.uscourts.gov .	Jose V Toledo Fed Bldg & US Courthouse 300 Recinto Sur Street, Room 109 San Juan, PR 00901	Hours open: 8:00 AM - 4:00 PM Contact phone (787) 977-6000 Date: 10/7/23
7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so. <div style="float: right; text-align: right;"> Location: November 1, 2023 at 10:00 AM Zoom video meeting. Go to Zoom.us/join, Enter Meeting ID 661 211 5667, and Passcode 7473803687 OR, call 1 939 437 3207 For additional meeting information go to www.justice.gov/ust/moc. </div> The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.		
8. Presumption of abuse The presumption of abuse does not arise. If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.		
9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: Filing deadline: 1/2/24 You must file a complaint: <ul style="list-style-type: none"> if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4) or (6). You must file a motion: <ul style="list-style-type: none"> if you assert that the discharge should be denied under § 727(a)(8) or (9). <hr/> Deadline for all creditors to file a proof of claim (except governmental units): Filing deadline: 12/15/23 Deadline for governmental units to file a proof of claim: Filing deadline: 4/3/24 Deadlines for filing proof of claim: A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial. Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection. Filing deadline: 30 days after the conclusion of the meeting of creditors	
10. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
11. Liquidation of the debtor's property and payment of creditors' claims	The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property that is not exempt. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them in the order specified by the Bankruptcy Code. To ensure you receive any share of that money, you must file a proof of claim as described above.	
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at https://pacer.uscourts.gov . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.	

LAW OFFICE OF
MARK J. MOLZ

Exhibit 00

1400 ROUTE 38 EAST, P.O. BOX 577
HAINESPORT, NEW JERSEY 08036
PHONE: (609) 267-8884
FAX: (609) 267-1281

MARK J. MOLZ*#
MARISA P. MOLZ

#ALSO MEMBER OF FL BAR
*ALSO MEMBER OF PA BAR

OF COUNSEL:
RICHARD R. DISTEFANO*

October 18, 2023

Hon. Eric Fikry, J.S.C.
Superior Court of New Jersey
Burlington County Courts Facility
49 Rancocas Rd.
Mt. Holly, New Jersey 08060
Via eCourts

Re: Geertgens v. Malik, et al
Docket No. BUR-L-1741-23

Dear Judge Fikry:

I am in receipt of correspondence from Karen Murray, Esq. dated October 18, 2023 which argues that Maritime Elec. Co., Inc. v. United Jersey Bank, 959 F.2d 1194 (1991) holds that the automatic stay is not available to non-bankrupt co-defendants and that the stay may not be invoked by entities such as guarantors or co-obligors. MC Remodeling LLC and Andrew Malik are not co-defendants in the claims asserted by Mr. and Mrs. Geertgens. Accordingly, Maritime Elec. Co., Inc. v. United Jersey Bank, 959 F.2d 1194 (1991) does not apply.

"This prohibition, however, has been liberalized in a number of cases where courts have applied the automatic stay protection to nondebtor third parties. Relying on A.H. Robins Co., Inc. v. Piccinin, 788 F.2d 994, 999 (4th Cir.), *cert. denied*, 479 U.S. 876, 107 S.Ct. 251, 93 L.Ed.2d 177 (1986), these courts have extended the automatic stay to nonbankrupt codefendants in 'unusual circumstances.'" McCartney v. Integra Nat. Bank North, 106 F.3d 506 (1997).

The instant litigation arises solely out of efforts of the Plaintiff to collect a Judgment against Ric Malik who has filed for the protection of the Bankruptcy Court.

"The automatic stay is one of the fundamental debtor protections provided by the bankruptcy laws. It gives the debtor a breathing spell from his creditors. It stops all collection efforts, all harassment, and all foreclosure actions. It permits the debtor to attempt a repayment or reorganization plan or simply to be relieved of the financial pressures that drove him into bankruptcy." Assoc. of St. Croix Condo. Owners v. St. Croix, 682 F.2d 446, 448 (3d Cir. 1982) (citing H.R.Rep. No. 95-595, 95th Cong., 1st Sess. 340 (1977), *reprinted in* 1978 U.S. Code Cong. Ad. News 5963, 6296-97).

"Only the bankruptcy court with jurisdiction over a debtor's case has the authority to grant relief from the stay of judicial proceedings against the debtor." Maritime Elec. Co., Inc. v. United Jersey Bank,

959 F.2d 1194 (1991) (citing Cathey v. Johns-Manville Sales Corp., 711 F.2d 60, 62-63 (6th Cir. 1983), *cert. denied*, 478 U.S. 1021, 92 L.Ed.2d 740 (1986)).

The Plaintiffs Mr. and Mrs. Geertgens are listed as creditors at page 19 of the Petition supplied by Ms. Murray.

“Once triggered by a debtor's bankruptcy petition, the automatic stay suspends any non-bankruptcy court's authority to continue judicial proceedings then pending against the debtor.” Maritime Elec. Co., Inc. v. United Jersey Bank, 959 F.2d 1194, 1206 (3d Cir. 1991). This includes all collection efforts. Rule 11 sanctions may apply to a violation of the automatic stay.

This Complaint filed by Karen Murray seeks solely to collect a Judgment against Ric Malik. Collection of that Judgment is subject to the automatic stay. Any continuation of this action would violate the automatic stay.

Very Truly Yours,

Mark J. Molz, Esq./s/
Mark J. Molz, Esq.

MJM/mpm

cc: Andrew Malik
Karen Murray, Esq.

Exhibit EE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: CASE NO. 23-03241-ESL7
RIC F. MALIK Chapter 7
Debtor

DEBTOR'S MASTER EXHIBIT LIST

4/22/2025

I. Sworn Affidavits

- **Exhibit A:** Sworn Affidavit of Ric F. Malik – outlining the timeline of violations and personal observations of creditor misconduct.
- **Exhibit B:** Sworn Affidavit of Karen Malik – detailing psychological, physical, and financial harm from violations of the automatic stay.
- **Exhibit C:** Sworn Affidavit of Andrew Malik – documenting client harassment, business losses, and surveillance after the stay.
- **Exhibit D:** Reserved – Potential affidavit or witness statement (e.g., healthcare provider, business associate)

II. Evidence of Fraud and Pattern of Harassment

- **Exhibit E:** NOAA Report – Absence of Lightning Strikes at Geertgen Property
- **Exhibit F:** Geertgens to Local Fire Departments Post-Fire
- **Exhibit G:** Judge Claypool – Statement of Reasons in Underlying NJCFA Case
- **Exhibit H:** “Notice to Consumers” Required Under New Jersey Consumer Fraud Act
- **Exhibit I:** Reserved – Public records regarding Geertgens’ insurance use or permitting
- **Exhibit J:** Reserved – Additional exhibits to support insurance fraud or permitting violations

III. Financial and Corporate Records

- **Exhibit K:** TD Bank July 2023 Account Cover Page – Produced by Karen Murray

- **Exhibit L:** Certificate of Formation – MC Remodeling, LLC
 - **Exhibit M:** Arrest Warrant Issued for Ric Malik – August 10, 2023
 - **Exhibit N:** Complaint for Mortgage Foreclosure – Karen Malik
 - **Exhibit O:** Reserved – Evidence of Funds Seized Post-Stay
 - **Exhibit P:** Judgment Entered Against Ric Malik – June 12, 2019 (Geertgen Matter)
 - **Exhibit Q:** Reserved
 - **Exhibit R:** Reserved
-

IV. Litigation and Stay Violation Evidence

- **Exhibit S:** Unexecuted Orders – Dated October 12, 2023
 - **Exhibit T:** TD Bank Account Freeze Notices – Andrew Malik and Karen Malik
 - **Exhibit U:** Surveillance of Andrew Malik by or at Direction of Creditors
 - **Exhibit V:** Order to Turn Over Funds – MC Remodeling, LLC – September 8, 2023
 - **Exhibit W:** Case Track Notice – BUR-L-1741-23 – Dated September 12, 2023
 - **Exhibit X:** Case Summary – BUR-L-002561-15 – New Jersey Post-Judgment Action
 - **Exhibit Y:** Attorney Mark Molz – Termination Letter – April 6, 2023
 - **Exhibit Z:** Certificate of Dissolution – Moorestown Construction, LLC – September 12, 2023
 - **Exhibit AA:** Order Granting - TURN OVER FUNDS
 - **Exhibit BB:** Case Summary – BUR-L-1741-23 – Continued Litigation Despite Stay
 - **Exhibit CC:** MOLZ PROOF OF NOTICE TO MURRAY (10/17/2023)
 - **Exhibit DD:** Molz Letter to Judge Fikry (10/18/2023)
 - **Exhibit EE:** Up-dated Exhibit Master List
-

V. Residential and Domicile Evidence

- **Exhibit FF:** Lease Agreement – Puerto Rico Residence (Proof of Domicile)
 - **Exhibit GG:** Puerto Rico Drivers License 5/2023
 - **Exhibit HH:** Reserved –
-

VI. Medical Evidence (Subject to Protective Handling)

- **Exhibit II:** Reserved – Karen Malik Medical Photographs
 - **Exhibit JJ:** Reserved – Karen Malik Medical Photographs
 - **Exhibit KK:** Reserved – Karen Malik Medical Photographs
 - **Exhibit LL:** Reserved – Karen Malik Medical Photographs
 - **Exhibit MM:** Reserved – Karen Malik Insurance Invoices and Billing Statements
-

VII. Placeholder for Forthcoming and Expert Materials

- **Exhibit NN:** Reserved –
 - **Exhibit OO:** Reserved –
 - **Exhibit PP:** Reserved –
 - **Exhibit QQ:** Reserved –
 - **Exhibit RR:** Reserved –
 - **Exhibit SS:** Reserved –
-

Certification

I, Ric F. Malik, certify under penalty of perjury that the foregoing list and any attached exhibits are true and correct to the best of my knowledge, information, and belief. Exhibits not yet submitted will be supplemented as discovery and filings allow.

Dated: April 22, 2025

Respectfully submitted,

Ric F. Malik

Pro Se Debtor

756 Vieques, PR 00765

ricmalik3@gmail.com

787-530-7799

